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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,851	10/15/2003	Bernd Ziegler	DT-6639	1732

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EXAMINER

MARTIN, ANGELA J

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/686,851

Applicant(s)

ZIEGLER ET AL.

Examiner

Angela J. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-9 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamura et al., U.S. Pat. Application Pub. 2005/0130033 A1.

Rejection of claims 1-3, 5-8 drawn to a battery pack.

Iwamura et al., teach a battery pack comprising a housing having a plurality of cooling openings (abstract); at least one separation wall formed of a plurality of cells arranged flow-tight adjacent to each other (Fig. 1), the wall arranged between at least two cooling openings and flow-tight in interior of housing at a side of the openings (sect. 0008), whereby separation wall is cooled by an air stream (sect. 0009; Fig. 1). It teaches the openings comprising a first and second cooling opening arranged at an open side of the housing, which is flow-tight, adjoined by the separation wall (sect. 0024; Fig. 1). It teaches the cells are axially supported on a web projecting inward from the open side of the housing and arranged between first and second cooling opening (sect. 0025; Fig. 4-6). It teaches the cooling openings and separation plates are symmetrically arranged in the housing (Fig. 1, 6). It teaches the cooling openings and

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separation walls are arranged mirror-symmetrically (Fig. 1, 6). It teaches electrical contact means provided at open side of housing (sect. 0011, 0023, 0028). It teaches air distribution means for uniform separation of the air stream in a plurality of separate streams (sect. 0008; Fig. 1).

Thus, the claims are anticipated.

3. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Sakakibara, U.S. Pat. Application Pub. 2003/0082439 A1.

Rejection of claim 9 drawn to a battery pack.

Sakakibara teaches a plurality of cooling openings and separation walls formed of a plurality of cells arranged flow-tight adjacent to each other, wherein the cooling openings have at least a first and second opening, and wherein an air volume which enters the first opening and exits the second opening flows in an air stream along opposite sides of the separation wall in opposite directions (sect. 0063).

Thus, the claims are anticipated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwamura et al., U.S. Pat. Application Pub. 2005/0130033 A1 or Sakakibara, U.S. Pat. Application Pub. 2003/0082439 A1.

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Rejection of claim 4 drawn to a battery pack.

Iwamura et al., teach a battery pack as described above.

Sakakibara teach a battery pack as described above.

However, the invention as a whole would have been obvious to one of ordinary skill in the art at the time the invention was made because it would have been an obvious matter of design choice to increase the number of cooling openings from two to three, since Applicant has not disclosed that an increase in number of cooling openings from two to three solves any stated problem or is for any particular purpose, and it appears that the invention would perform equally well with two versus three cooling openings, depending on the size of the battery pack.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimoto et al., U.S. Pat. No. 6,818,343 B1, teach a battery pack having a reduced temperature differential between cells. Corrigan et al., U.S. Pat. No. 6,255,015 B1, teach a multiple cell monoblock battery.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Martin whose telephone number is 571-272-1288. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



AJM



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